

## Vermont State Workforce Development Board Policy

Policy 1:	Amendment to WIOA Governance Document; Committee Authority
Effective Date:	December 6, 2018
Recommended by:	State Workforce Development Board Policy Committee on November 28, 2018
Adopted by SWDB:	December 6, 2018

---

**Background:** The Workforce Innovation and Opportunity Act of 2014 (WIOA) required states to create a State Workforce Development Board, setting out its membership, functions, and authority in 20 C.F.R. §679. In 2013, Vermont’s legislature adopted similar language, codified in 10 V.S.A. §541a. The Governor subsequently appointed members to the State Workforce Development Board, a modified version of the previous State Workforce Investment Board. The Board adopted a governing document titled “WIOA Governance Document,” that serves as the basis for conducting its business. In the fall of 2017, the federal Employment and Training Administration (ETA) conducted a comprehensive review of Vermont’s implementation of WIOA, including the State Workforce Development Board. The review revealed a need for the Board to become more active in the development and approval of WIOA Title I policies that are carried out by the Vermont Department of Labor.<sup>1</sup>

In January 2018, the Board established several committees to support the Board in carrying out its statutory duties. The current governance document is vague about the authority of committees and the procedures they are to follow. This policy recommends an amendment to Article IV to clarify these concerns.

### **POLICY RECOMMENDATION**

Strike the section titled “Authority” of Article IV of the WIOA Governance Document and replace it with the following:

#### ***Article IV – Committees***

*Appointment.* The Chair, in consultation with the Commissioner of Labor, may assign one or more members to standing or ad hoc committee, subcommittees, or workgroups to carry out the work of the Board. At the recommendation of the Commissioner of Labor, and with the approval of the Operating Committee, the Chair may appoint non-members to standing or ad hoc committees, subcommittees, or workgroups, for the purpose of adding subject-matter expertise or another important attribute to the group.

*Committee Composition and Term Limits.* Standing or ad hoc committees shall have a named chair and vice-chair, appointed by the Board chair, in consultation with the Commissioner of Labor. Committee or workgroup size shall be set by the full board when the committee or workgroup is created and may modified upon recommendation by the Policy Committee. Committee or workgroup members shall serve at the pleasure of the Board Chair.

*Meeting Procedure.* Standing and ad hoc committees shall conduct meetings in accordance with Robert’s Rules of Order and in compliance with Vermont’s Open Meeting Laws. A majority of members present, including virtual presence, shall constitute a quorum. Minutes of each meeting shall be recorded, publicly posted, and submitted to members of the full board before the next full board meeting. Workgroups are not required to adhere by these requirements.

*Authority.* Standing or ad hoc committees shall report to the full board and submit recommendations for approval during formal committee reports at full board meetings, except when the standing or ad hoc committee acts on behalf of the Board for a specific purpose.

---

<sup>1</sup> While WIOA Title II and Title IV programs (administered by Agency of Education and Division of Vocational Rehabilitation, respectively) were not reviewed, they also include provisions that include Board involvement.

# Vermont State Workforce Development Board

WIOA Governance Document

## **Article I — STATEMENT OF AUTHORITY**

The Vermont State Workforce Development Board (hereinafter Board) is established by the federal Workforce Innovation and Opportunity Act, Public Law No. 113–128, and Vermont Statute, 10 V.S.A. chapter 22A.

## **Article II — DUTIES**

The Board advises the Governor on the development and implementation of a comprehensive, coordinated and responsive statewide workforce education and training system.

Under Section 101(d) of the WIOA, the Board assists the Governor in the following functions:

- The development, implementation, and modification of the State plan.
- Review of statewide policies, statewide programs, and of recommendations on actions required to align workforce development programs in a manner that supports a comprehensive and streamlined workforce development system, including the review and provision of comments on the State plan, if any;
- The development and continuous improvement of the workforce development system, including:
  - Identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system.
  - Development of strategies to support the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment.
  - Development of strategies for providing effective outreach to, and improved access for, individuals and employers who could benefit from services provided through the workforce development system.
  - Development and expansion of strategies for meeting the needs of employers, workers, and job seekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations.
  - Development and continuous improvement of the One-Stop Center delivery system, including providing assistance to the One-Stop Operator, One-Stop partners and providers with planning and delivery services, including training services and supportive services, to support effective delivery of service to workers, job seekers and employers.
  - Development of strategies to support staff training and awareness across programs supported under the workforce development system.
- Development and updating of comprehensive state performance accountability measures, including state adjusted levels of performance, to assess the effectiveness of the core programs in the state.
- Identification and dissemination of information on best practices, including best practice for:

- Effective operation of One-Stop Centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment.
- Effective training programs that respond to real-time labor market need; and
- Effective use of direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies and experiences, and evaluate such skills and competencies for adaptability, to support efficient placement into employment or career pathways.
- Development and review of statewide policies affecting the coordinated provision of services through the state's One-Stop delivery system, including the development of:
  - Objective criteria and procedures for use in assessing the effectiveness and continuous improvement of One-Stop Centers.
  - Guidance for the allocation of One-Stop Center infrastructure funds.
  - Policies relating to the appropriate roles and contributions of entities carrying out One- Stop partner programs within the One-Stop Delivery System, including approaches to facilitating equitable and efficient cost allocation in the system.
- Development of strategies for technological improvements to facilities, access to, and quality of services and activities provided through the One-Stop delivery system, including such improvement to:
  - Enhance digital literacy skills.
  - Accelerate the acquisition of skills and recognized post-secondary credentials by participants.
  - Strengthen the professional development of providers and workforce professionals.
  - Ensure technology is accessible to individuals with disabilities and individuals residing in remote areas.
- Development of strategies for aligning technology and data systems across One-Stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including the design and implementation of common intake, data collection, case management information, performance accountability measurement and reporting processes, and the incorporation of local input into such design and implementation to improve coordination of services across One-Stop partner programs.
- Preparation of required annual reports.
- Development of the statewide workforce and labor market information system.
- Development of other policies that may promote statewide objectives for, and enhance the performance of, the workforce development system in the state.

In addition to the functions required under section 101(d) of the WIOA, the Board is tasked with the following duties:

- Conduct regular public engagement process in the State that brings together employers and potential employees, including students, unemployed or under-employed, and incumbent employees seeking further training, to provide feedback and information concerning their workforce education and training needs; and

- Maintain familiarity with the federal Comprehensive Economic Development Strategy (CEDS) and other economic development planning processes and engage and coordinate with economic development planning and processes occurring throughout the State.

## **Article III — MEMBERS**

### Members

Board membership is established by the WIOA, Section 101, and 10 V.S.A. §541a.

### Member Resignation

Any member, in his or her capacity as a Board member may resign such position by providing verbal or written notice to the Governor, Chair of the Board, or Commissioner of Labor. The effective date of any resignation shall be the time specified in the statement of resignation, or immediately if no time is specified.

### Member Replacement

In the event of a vacancy on the Board, a new member shall be appointed by the Governor, ensuring that said appointment is compliant with statutorily-designated seat allocation.

Any member of the Board may be replaced by the Governor for the following:

- (i) receipt of notification of resignation;
- (ii) failure to attend at least 50% of the regularly scheduled meetings of the Board within a two year period;
- (iii) failure of a member to continue to hold the qualifications that were the basis for his or her initial appointment; or
- (iv) failure to represent the Board in a manner deemed appropriate by the Chair, including violating the conflict-of-interest provisions of this document.

### Member Representation

Members of the Board shall be individuals with policymaking authority within the organization, agency or entity the member represents.

### Proxy

If provided by statute, the use of vote by proxy may be permitted. However, any authorized designee shall have policymaking authority within the organization, agency or entity as required by this document. Any authorized designee shall be entitled to the same voting privileges enjoyed by other members of the Board.

## **Article IV — COMMITTEES**

### Authority

The Chair, in consultation with the Commissioner of Labor, may:

- (i) assign one or more members to work groups to carry out the work of the Board; and
- (ii) appoint one or more members of the Board and/or non-members of the Board to one or more task forces for a discrete purpose and duration.

### Operating Committee

There shall be an Operating Committee consisting of the following members who are appointed by the Chair, unless otherwise indicated:

- (i) the Chair of the Board;
- (ii) a Vice-Chair who shall be from among the business members of the Board;
- (iii) five business members;
- (iv) the Secretary of Commerce and Community Development, or designee;
- (v) the Commissioner of Labor, or designee;
- (vi) the Secretary of Education, or designee;
- (vii) the Secretary of Human Services, or designee;
- (viii) one member from the higher education community; and
- (ix) one member from the adult or high school career technical education community.

The Operating Committee is primarily responsible for: (1) conducting certain activities, as listed below, on behalf of the full Board between meeting dates, and (2) for addressing urgent and/or time-sensitive business when a regular or special meeting cannot occur in time to meet the deadline. All decisions of the Operating Committee shall be reported in writing to the full Board within 10 workdays. In all cases, the Operating Committee shall publish notice of its meetings in accordance with Vermont Open Meeting law, 1 V.S.A. §§ 310–314. The Operating Committee may conduct meetings in the same manner as outlined in Article 5 of this document. A quorum of the Operating Committee shall be seven members. The Chair may be counted as one of the seven in a quorum, and may vote in all matters.

The activities that the Operating Committee may engage in, on behalf of the Board, include, but may not be limited to:

- (i) Participating in meetings and activities that promote the work of the Board, such as marketing and advocating for the goals of the Board, WIOA and Vermont's workforce system;
- (ii) Reviewing and responding to state and federal legislative proposals that impact Vermont's workforce system, as necessary;
- (iii) Overseeing the performance of the WIOA Core Partners relative to their state and federal performance measures, and when necessary, providing necessary approval for the submission of documents or reports;
- (iv) Approve the draw-down of federal funding, if necessary; and,
- (v) When in the opinion of the Board Chair or Governor, immediate action is warranted, in an emergency, or in the case of an urgent or time-sensitive matter, when a regular or special meeting cannot occur in time to meet the deadline, the Operating Committee may act and make decisions on behalf of the Board; however, no decision of the Operating Committee may amend, alter or repeal this governance document or any resolution or vote of the Board that, by its terms provides that it is not able to be amended or repealed by a committee. Any decision of the Operating Committee under this emergency section shall be communicated in writing to the Board within three business days.

### Youth Council

Pursuant to Section 107(b)(4)(ii) of the WIOA, there shall be a Youth Council. This Council shall consist of members appointed by the Chair. The purpose of the Council is to provide information and to assist with planning, operational and other issue relating to the provision of services to youth.

## **Article V — MEETINGS**

### Frequency

The Board shall meet at least three times annually and shall hold additional meetings at the call of the Chair.

### Notice

Notice of regular or special meetings shall be provided to all members no less than 10 days before the beginning of the meeting. All meetings of the Board shall be publically announced in advance and open and accessible to the public. Notice of each meeting shall state the date, time, location and agenda of the meeting.

All meetings shall comply with Vermont's Open Meeting Laws, 1 V.S.A. §§ 310–314.

### Quorum

A majority of members shall constitute a quorum, and to be valid any action taken by the Board shall be authorized by a majority of the members present and voting at any regular or special meeting at which a quorum is present.

The Board may conduct any duly-warned meeting in person or through the use of any means of communication, including electronic, telephone conferencing, tele-communication, video and/or audio- conferencing, or other Board-approved means provided that members may participate and simultaneously or sequentially communicate with each other during the meeting. Members participating in such meeting(s) are deemed to be present and may also vote during these meetings.

### Minutes

Minutes of the meeting shall be recorded by staff of the Vermont Department of Labor. The Chair, or Vice-Chair if designated by the Chair, shall review and correct such minutes. Minutes shall be presented and approved by the Board at the next regular meeting. The minutes shall be made available upon request to any member of the public. Minutes shall be delivered electronically to each member of the Board and to the Chairs of the Vermont House Committees on Education and on Commerce and Economic Development, and to the Senate Committees on Education and on Economic Development, Housing and General Affairs.

### Executive Session

The Board is permitted to meet in executive session only in compliance with Vermont's Open Meeting Laws. An executive session may only meet to the extent necessary and for the purpose authorized.

### Reimbursement

Legislative members of the Board shall be entitled to compensation and expenses as provided in 2 V.S.A. § 406. Unless otherwise compensated by his or her employer for performance of his or her duties on the Board, a non-legislative member of the Board shall be eligible for per diem compensation of \$50.00 per day for attendance at a meeting of the Board, and for reimbursement of mileage expenses, which shall be paid by the WIOA funds through the Vermont Department of Labor.

## **Article VI — CONFLICT OF INTEREST**

A member of the Board shall not:

- (A) vote on a matter under consideration by the Board:
  - (i) regarding the provision of services by the member, or by an entity that the member represents; or
  - (ii) that would provide direct financial benefit to the member or the immediate family of the member;or



(B) engage in any activity that the Governor or Chair determines constitutes a conflict of interest.

## **Article VII — SUPPORT**

The Vermont Department of Labor, through federal WIOA funds or through State General Funds specifically allocated for such purposes, shall provide fiscal and administrative staff to the Board, as the Chair deems reasonable and necessary.

## **Article VIII — SUNSHINE PROVISIONS**

The Board shall make available to the public, on a regular basis through open meetings, information regarding activities of the Board, including information regarding membership, minutes and the State Plan.

## **Article IX — MISCELLANEOUS**

### Approval of the Governor

Where provided by the WIOA or other applicable federal or state laws, certain strategic plans, recommendations, and decisions of the Board are subject to approval by the Governor. In such instances, the Chair of the Board shall convey the appropriate documents to the Governor in a timely manner.

### Amendment of Bylaws

These bylaws may be amended at any regular scheduled meeting of the Board by a two-thirds vote of the members present, provided that the specific language proposed to be amended is included with the agenda for the meeting. Proposed changes must be submitted in writing to the Chair not less than 20 days prior to the meeting. Any amendment must be in compliance with any applicable state or federal laws and regulations. Any proposed notification of amendment(s) to the Bylaws shall be submitted to Board members 10 days prior to the meeting where the amendments will be voted upon.

### Severability

If any provision of these Bylaws is held to be invalid, such provision shall be fully severable. The remaining provisions shall remain in full force and effect and shall not be affected by the illegal or invalid provision or by its severance.